

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1533.00
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	February 21, 2000
DATE OF REPORT:	March 20, 2000
REQUEST FOR RECONSIDERATION:	yes (revisions to original report are underscored)
DATE OF CLOSURE:	May 1, 2000

COMPLAINT ISSUES:

Whether the Eagle Union Community School Corporation and the West Central Joint Services violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide the parents with progress reports from March 1999 to present.
- 34 CFR 300.347(a)(7) with regard to the School's alleged failure to include in the student's IEP a statement of how the student's progress toward annual goals will be measured, and how the student's parents will be informed of the student's progress.

During the course of the investigation, an additional issue was identified, which is:

- 511 IAC 7-12-1(m)(1) with regard to the School's alleged failure to include in the written report of the case conference committee (CCC) the purpose of the meeting.

FINDINGS OF FACT:

1. The student is eleven years old and is eligible for special education and related services as a student with autism, a communication disorder, and a moderate mental handicap.
2. A CCC meeting was convened on March 17, 1999, to review the Student's progress with transferring to a new school. At this meeting goals and objectives for the student were written for the following areas: functional mobility, readiness, self-help skills, and communication. The IEP states annual goals will be measured by listing a percentage that the student has attained towards achieving those goals. The IEP states that there will be a review of the student's progress every nine weeks to coincide with general education progress timelines. During the second semester of the 1998-1999 school year, general education students received report cards on or around March 26, 1999, and June 11, 1999. The IEP does not indicate how the parents will be informed of the student's progress, e.g., by report card, progress report, etc. Although daily activity logs were routinely completed for the student, the school did not provide the parents with any type of nine week progress reports that included what percentage of the goal the student had attained. On the goals and objectives form there is a blank space where there is room to record who will be responsible for seeing that the parents are informed of the student's progress. Nothing was written in this area on the four forms labeled goals and objectives. The parents attended the March 17, 1999, CCC meeting, and there is nothing in the CCC Summary

Report to indicate that the parents voiced any objections to the recommendations made by the CCC.

3. At a CCC meeting convened on August 26, 1999, an IEP was written for the student. At this meeting goals and objectives were written for the following areas: communication, community domain, functional mobility, recreation domain, domestic domain, personal care, and behavior. There is no indication on any of the seven goals and objectives forms as to how the parents will be informed of the student's progress. In the IEP there is no indication as to how the student's progress will be measured for the following goals and objectives: recreation domain, domestic domain, and personal care. Although the CCC Summary Report indicates that the analysis checklists will be used to share meaningful information on the student's progress, this is not the same as a nine week progress report. In addition, from March 1999, to February 2000, the parents did not receive nine week reports of the student's progress as specified in the IEPs of March 17, 1999, and August 26, 1999. In an E-mail to the parents from the local Director dated February 8, 2000, the Director states that due to confusion among the different therapists, they were unaware that nine week progress reports needed to be completed, since daily logs were sent to the parents on a regular basis. The parents attended the August 26, 1999, CCC meeting, and there is nothing in the CCC Summary Report to indicate the parents voiced any objections to the recommendations made by the CCC.
4. The CCC Summary Report of August 26, 1999, indicates the CCC meeting was requested by the school psychologist. There is a space on the first page of the Summary Report form to list the purpose of the conference. This space was left blank. There are two pages of case conference notes attached to the IEP, and neither page indicates the purpose of the CCC meeting.

CONCLUSIONS:

1. Findings of Fact #2 and #3 reflect that the parents did not receive nine week progress reports as specified in the IEPs of March 17, 1999, and August 26, 1999. Therefore, a violation of 511 IAC 7-12-1 is found.
2. Finding of Fact #3 indicates that some of the goals and objectives included in the IEP dated August 26, 1999, failed to include a statement of how the student's progress toward annual goals will be measured. Therefore, a violation of 34 CFR 300.347(a)(7) is found.
3. Finding of Fact #4 reflects that the CCC Summary Report of August 26, 1999, failed to include the purpose of the meeting. Therefore, a violation of 511 IAC 7-12-1(m)(1) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Eagle Union Community School Corporation and the West Central Joint Services shall:

1. Convene a CCC meeting to determine how the student's progress toward annual goals will be measured and how the student's parents will be informed of the student's progress. Submit to the Division no later than April 28, 2000, the revised IEP and CCC Summary Report.
2. In-service all appropriate staff as to the requirements as specified in 511 IAC 7-12-1 (in regards to

implementing IEPs as written), 34 CFR 300.347(a)(7), and 511 IAC 7-12-1(m)(1). Submit documentation to the Division that this has been completed no later than May 12, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.